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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SAMSUN LOGIX CORP.,

Petitioner,

v.

BANK OF CHINA, *et al.*,

Respondents.

Case No. 10-cv-4203 (VM)

**HARWOOD DECLARATION IN  
SUPPORT OF PLAINTIFF'S MOTION  
TO REMAND TO THE SUPREME  
COURT OF THE STATE OF NEW  
YORK, COUNTY OF NEW YORK**

JEREMY J.O. HARWOOD, declares under penalty of perjury:

1. On April 21, 2010 Petitioner SAMSUN LOGIX CORP. ("Samsun") filed a Petition Pursuant to CPLR Art. 4, §§ 5222, 5224, 5225, and 5227 for an Order Recognizing and Enforcing a Judgment and Directing Turnover of Judgment Debtors' assets against and held by Respondents BANK OF CHINA, BANK OF AMERICA, BANK OF COMMUNICATIONS CO. LTD., CHINA CONSTRUCTION BANK CORPORATION, CHINA MERCHANTS BANK CO., LTD., CHINATRUST COMMERCIAL BANK, LTD., INDUSTRIAL AND COMMERCIAL BANK OF CHINA LIMITED, SHINHAN BANK, STANDARD CHARTERED BANK, OVERSEA-CHINESE BANKING CORPORATION LIMITED, AGRICULTURAL BANK OF CHINA LIMITED and HONGKONG AND SHANGHAI BANKING

CORPORATION LIMITED (collectively “Banks”). This removed Petition forms the basis of Plaintiff’s claims in the present action. A true and correct copy of Plaintiff’s Petition (without exhibits) is attached hereto as Exhibit A.

2. On April 23, 2010 the Supreme Court of the State of New York, County of New York (“State Court”) issued an Order to Show Cause, requiring the Banks to show cause on May 14, 2010 as to why Samsun’s requested relief should not be granted. A true and correct copy of the State Court’s Order to Show Cause is attached hereto as Exhibit B.

3. On April 19, 2010, Samsun served on each of the Banks a “Subpoena and Restraining Notice Pursuant to CPLR §§ 5222 and 5224,” a true and correct copy of a sample subpoena is attached hereto as Exhibit C.

4. Also on April 19, 2010, Samsun served on each of the Banks “Questions and Answers in Connection with Information Subpoenas,” a true and correct copy of a sample subpoena is attached hereto as Exhibit D.

5. On May 27, 2010 I wrote to certain Banks’ counsels in respect of responses to the subpoenas asking for “substantive responses” by June 1, 2010. Ex. E.

6. On June 1, 2010, the Chinese Banks represented by White & Case LLP served Objections and Responses to Samsun’s Information Subpoena. Copies of the responses of Bank of China and Bank of Communications are exhibits F and G, respectively. Copies of the responses from other Chinese banks, represented by counsel for Bank of China and Bank of Communications are attached as Ex. H.

7. A true copy of an electronic fund transfer record from a Judgment Debtor to Samsun originating from Bank of Communications Co. Ltd. is Ex. I hereto

8. On May 21, 2010 Samsun filed a Notice of Discontinuance, discontinuing the state court action against SHIN HAN BANK and OVERSEA-CHINESE BANKING CORPORATION, LTD.

9. On June 1, 2010 Samsun filed a Notice of Dismissal, dismissing the federal action against STANDARD CHARTERED BANK.

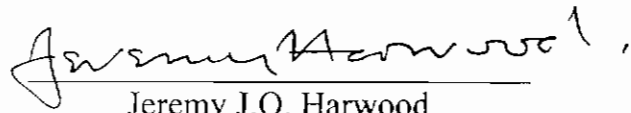
10. Also on June 1, 2010 Samsun filed a Notice of Dismissal, dismissing the federal action against BANK OF AMERICA.

11. On May 24, 2010, Respondents BANK OF CHINA and BANK OF COMMUNICATIONS CO. LTD. filed a Notice of Removal, removing the action to federal court, asserting jurisdiction based on 12 U.S.C. § 3102(b) and 12 U.S.C. § 632.

12. On May 27, 2010, Respondent STANDARD CHARTERED BANK filed a Supplemental Notice of Removal, asserting additional grounds for jurisdiction based on 9 U.S.C. § 205.

13. Samsun hereby requests, pursuant to Fed. R. Civ. P. 12(b)(1) and 28 U.S.C. § 1447(c), that this Court enter an Order dismissing the action for lack of subject matter jurisdiction and remanding this case to the Supreme Court of the State of New York, County of New York for the reasons set forth in the Memorandum of Law submitted herewith.

14. I declare under penalty of perjury that the foregoing is true and correct.

  
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Jeremy J.O. Harwood

Executed at New York, New York  
on June 7, 2010